

**RECEIVED  
CENTRAL FAX CENTER**

34

MAR 07 2006

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE****PATENT APPLICATION:**  
Serial No. 10/714,321**ORIGINALLY FILED:**  
October 15, 2003**FOR:**  
HIGHLY CONSTRAINED  
TOMOGRAPHY FOR  
AUTOMATED INSPECTION OF  
AREA ARRAYS**INVENTORS:** Heumann, John**GROUP ART UNIT:** 2882**EXAMINER:** David Vernon Bruce**DOCKET NUMBER:** 10030539-1**Certificate of Mailing or Transmission [37 C.F.R. § 1.8(a)]**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.3/7/06  
Date of DepositJessica Costa  
NameJessica Costa  
Signature**PETITION UNDER 37 C.F.R. 1.137(b) TO REVIVE UNINTENTIONALLY  
ABANDONED APPLICATION**Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment for failure to timely pay the issue fee that was mailed February 21, 2006, pursuant to 37 C.F.R. 1.137(b), the Applicant hereby petitions the Commissioner to revive the above-identified application. The application was unintentionally abandoned for failure to timely pay the issue fee due on September 15, 2005.

1. Pursuant to 37 C.F.R. § 1.137(b)(2), please charge the required petition fee set forth in 37 C.F.R. § 1.17(m) in the amount of \$1500.00 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37

Agilent Docket No. 10030539-1

1

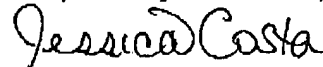
## C.F.R. § 1.25.

2. A. The reply including the Issue Fee Transmittal that accompanied the Notice of Allowance was filed previously on 12/08/2005.  
  
B. The issue fee and publication fee in the amount of \$1400.00 has been paid previously on 12/08/2005.
3. Because the subject application was filed after June 8, 1995, the filing of a Terminal Disclaimer under 37 C.F.R. § 1.137(d) is not required.
4. In considering this petition, please be informed that prior to the Issue Fee due date of September 15, 2005, a telephonic interview on September 14, 2005 between the Examiner and Jessica Costa, the attorney representing the Applicant in this application, resulted in an Examiner's Amendment and Supplemental Notice of Allowance, attached herein. It was believed that since the Supplemental Notice of Allowance was not yet received, and in fact was not mailed out until October 19, 2006, more than one month after the interview, that the issue fee due date would be reset in order to give the Applicant a chance to review the Supplemental Notice of Allowance prior to paying the issue fee in order to ensure accurate entry of the Examiner's amendment as agreed to over the telephone. Thus, it was believed that the issue fee due date would be reset to the normal 3 months period after the mailing of the Supplemental Notice of Allowance. Had the period for response to the Notice of Allowance been reset by the Supplemental Notice of Allowance, the Applicant's payment would have been well within the period for response. Thus, due to the circumstances surrounding the Supplemental Notice of Allowance and subsequent payment of the issue fee, ***the Applicant hereby states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.***

Please grant this Petition for Revival, and pass the Application to Issue.

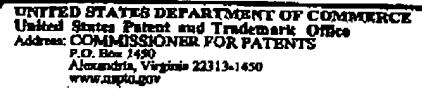
March 7, 2006

Respectfully submitted,



Jessica Costa  
Reg. No. 41,065

*The Law Offices of Jessica Costa, PC*  
P.O. Box 460  
Crozet, VA 22932-0460  
(434) 823-2232  
(434) 823-2242 (fax)



DATE MAILED: 10/19/2005

PAGE 3/6 \* RCVD AT 3/7/2006 6:52:30 PM [Eastern Standard Time] \* SVR:USPTO-EFXXF-1/16 \* DNS:2738300 \* CSID:4348232242 \* DURATION (mm:ss):01:56

**Supplemental  
Notice of Allowability****Application No.**

10/714,321

**Applicant(s)**

HEUMANN ET AL.

**Examiner**

David V. Bruce

**Art Unit**

2882

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview of 14 Sep 05t.
2. ☒ The allowed claim(s) is/are 1-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has **THREE MONTHS FROM THE "MAILING DATE"** of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in **ABANDONMENT** of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____. | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material           | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

Application/Control Number: 10/714,321  
Art Unit: 2882

Page 2

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jessica Costa on September 14, 2005.

The application has been amended as follows:

#### IN THE CLAIMS:

Change "priori" to --posteriori-- in claim 3 line 3,  
claim 20 line 3,  
claim 35 line 4, and  
claim 51 line 9.

2. The following is an examiner's statement of reasons for allowance: The claims remain allowed for the reasons listed in the previous Office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 10/714,321

Page 3

Art Unit: 2882

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David V. Bruce whose telephone number is (571) 272-2487. The examiner can normally be reached on M - Th and alt Fri 8:00 - 4:30 subject to I-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David V Bruce  
Primary Examiner  
Art Unit 2882

dvb